IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 22866 of 2005(V)

AGAINST THE ORDER IN IA.552/2004 IN IA.1067/2001 IN OS.106/1991 of MUNSIFF-MAGISTRATE'S COURT,PERINTHALMANNA

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PETITIONER:

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1. THAZHETHETHIL LAKSHMI,
   PUZHAKKATTIRI AMSOM & DESOM,
   PERINTHALMANNA, MALAPPURAM DISTRICT.

2. PREMA, D/O. LAKSHMI, DO.

3. VASUDEVAN, S/O. LAKSHMI, DO.

4. CHANDRA, D/O. LAKSHMI OF DO.

5. INDIRA, D/O. LAKSHMI OF DO.

BY ADV. SRI.K.HARILAL
SMT.BINDU SREEKUMAR
SRI.K.G.RENGANATH

RESPONDENTS:

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1. THAZHETHETHIL KUNHIKORU,
   PUZHAKKATTIRI AMSOM & DESOM,
   PERINTHALMANNA, MALAPPURAM DISTRICT (DIED)

2. T. DEVAKI OF DO.

3. T. VELYUDHAN OF DO.

4. R. RADHA OF DO.

5. T. KRISHNAN OF DO.

6. T. DIVAKARAN OF DO.

7. T. JANAKI OF DO.

8. T. NARAYANAN OF DO.

9. T. KOUSALIA, OF DO.

10. T. VENU OF DO.

11. T. SIVAN @ AYYAPPAN OF DO.

12. T. KARUNANN OF DO.

13. T. PRANGODAN OF DO.

14. T. PRABHA OF DO.

15. T. NARAYANAN OF DO.

16. T. KUNHIKALI OF DO.

* ADDL. 17. POOZHIKUTHU ACHA, PUZHAKKATTIRI AMSOM, DESOM, PERINTHALMANNA TALUK.

" 18. APPUNNI, S/O. 1ST RESPONDENT.

" 19. PUSHPAKUMARI, D/O. 1ST RESPONDENT.

" 20. SETHUKUMAR, S/O. 1ST RESPONDENT.

" 21. SMITHA, D/O. 1ST RESPONDENT

* LEGAL HEIRS OF DECEASED 1ST RESPONDENT ARE IMPLEADED AS ADDL. RESPONDENTS 17 TO 21 AS PER ORDER DT.22.6.07 IN I.A. 4120/06.

R3, R14, & R15 BY ADV. SRI.R.RAJESH KORMATH
SMT.PREETHY KARUNAKARAN
SMT.MEENA.A.
SMT.M.R.MINI
SMT.SANJANA R.NAIR
SRI.V.S.ROBIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.22866 OF 2005

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DATED THIS THE 3RD JULY, 2007

J U D G M E N T

It is reported by counsel that the 13th respondent is also no more. But, having gone through the averments in the writ petition and having heard the submissions addressed before me by Smt.Bindu Sreekumar, counsel for the petitioners and Sri.Rajesh R.Kormath, counsel for the contesting respondents, I am of the view that it is in the interest of both sides who are parties in a suit for partition, now at the stage of final decree proceedings, to have the final decree proceedings finalised at the earliest.

2. Accordingly I dispose of the Writ Petition directing the Munsiff-Magistrate, Perinthalmanna who is presently in seisin of the final decree proceedings in O.S.No.106 of 1991 to do everything possible at his end so as to ensure that the final decree is passed on the basis of the final decree proceedings presently pending. The learned Munsiff-Magistrate will issue appropriate directions to the concerned parties for impleading the legal representatives of all the respondents-defendants who have died in the meanwhile. Final decree will be passed by the learned Munsiff-Magistrate at the earliest and at any rate within four months of receiving copy of this judgment. The

learned Munsiff-Magistrate while passing the final decree will keep in mind all the terms of the preliminary decree regarding the extent of the shares to which the parties are entitled and also regarding the liability of the parties for payment of mesne profits.

(PIUS C.KURIAKOSE, JUDGE)

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